
UTAH LABOR COMMISSION

DAVID D'ADDABBO,

Petitioner,

vs.

**ALLSTATE INSURANCE CO and
HARTFORD INSURANCE CO.,**

Respondents.

**ORDER DENYING REQUEST
FOR RECONSIDERATION**

Case No. 04-0568

David D'Addabbo asks the Utah Labor Commission to reconsider its prior decision regarding Mr. D'Addabbo's claim for benefits under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Annotated).

The Labor Commission exercises jurisdiction over this matter pursuant to Utah Code Annotated §63-46b-13.

BACKGROUND AND ISSUES PRESENTED

Mr. D'Addabbo claims workers' compensation benefits for an accident that occurred as he worked for Allstate Insurance Co. on March 10, 2003. After an evidentiary hearing and medical panel referral, Judge Hann denied Mr. D'Addabbo's claim. Mr. D'Addabbo then requested Commission review of Judge Hann's decision on the grounds it was factually inaccurate and tainted by possible conflict of interest.

On February 14, 2007, the Commission issued its decision affirming Judge Hann's decision. Mr. D'Addabbo now asks the Commission to reconsider that decision. In his request for reconsideration, Mr. D'Addabbo suggests the Commission conspired with Allstate to deny Mr. D'Addabbo's claim. Mr. D'Addabbo also alleges bias against his claim because Allstate's attorney was previously employed as an administrative law judge by the Commission. Finally, Mr. D'Addabbo contends that material medical evidence supporting his claim has not been properly considered by the Commission or its medical panel.

DISCUSSION

The Commission has previously addressed Mr. D'Addabbo's allegations of conflict of interest and bias. Now, Mr. D'Addabbo's request for reconsideration reiterates those allegations and also levels them against the Commission. However, none of the allegations are supported by evidence of any sort. As to Mr. D'Addabbo's complaints against the medical panel's report, the Commission has again reviewed the report and finds it to be thorough, well-reasoned and persuasive.

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In summary, the record of this proceeding demonstrates that Mr. D'Addabbo's claim has received full and fair consideration and has been adjudicated according to the requirements of the Utah Workers' Compensation Act.

ORDER

The Commission reaffirms its previous decision and denies Mr. D'Addabbo's request for reconsideration. It is so ordered.

Dated this 27th day of March, 2007.

Sherrie Hayashi
Utah Labor Commissioner